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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fifteenth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 30th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 19 November 1996, at 3 p.m.

Chairperson: Mr. ALSTON

later: Mr. CEAUSU
(Vice-Chairperson)

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* The summary record of the second part (closed) of the meeting appears as document E/C.12/1996/SR.30/Add.1.

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GE.96-19191 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 4) (continued)

Second periodic report of the Dominican Republic (continued) (E/1990/6/Add.7; E/C.12/1995/LQ.7)

1. At the invitation of the Chairman, Mrs. Bonetti Herrera (Dominican Republic) took a place at the Committee table.

2. Mrs. BONETTI HERRERA (Dominican Republic) said that she was not in a position to answer questions officially because her Government had not given her any instructions to that effect. She would, however, take note of the Committee's questions and concerns about the report (E/1990/6/Add.7) and transmit them to her Government, which should reply in writing by the end of the year.

3. The CHAIRMAN said that he understood the delicate position Mrs. Bonetti Herrera was in, but stressed that the Committee could not postpone the consideration of the report. The Government of the Dominican Republic would have had to make a request along those lines well enough in advance. He requested the Dominican Government, through its representative, to reply in writing to the list of issues (E/C.12/1995/LQ.7) and invited the members of the Committee to ask other questions. The Committee would then prepare its concluding observations, which it would adopt in a closed meeting. At the next session, the representatives of the Dominican Republic might provide further information on the concluding observations and other important matters.

4. Mrs. BONOAN-DANDAN said that the Committee had before it a very detailed document from International Women's Rights Action Watch, which related to various articles of the Covenant and the status of women in the Dominican Republic. She requested the secretariat to give a copy to the representative of the Dominican Republic so that the Government might provide clarifications in that regard.

5. Mr. TEXIER said that, in his view, the report of the Dominican Republic was inadequate and it was important for the Government to answer the questions on the list of issues. Additional information was needed on the situation of Haitians in the Dominican Republic, not only with regard to working conditions, but also to the discrimination to which they might be subjected in respect of civil status, either for obtaining Dominican nationality or for entering into marriage.

6. The Dominican non-governmental organization Ciudad Alternativa had sent the Committee a letter reporting on the repeal of Decree No. 358-91, which had created what had amounted to a state of siege in La Ciénaga and Los Guandules in Santo Domingo. He welcomed the fact that the new Government seemed to have

promised not to carry out any more enforced and mass expulsions and to establish a plan for the construction or improvement of 100,000 dwellings. He requested the Government to provide information on that question.

7. Mr. ADEKUOYE said that, like Mrs. Bonoan-Dandan, he would like the Dominican Government to comment on the information contained in the document from International Women's Rights Action Watch. With regard to paragraph 4 of the report, which stated that there was no differentiation on ethnic grounds among the Dominican population, it appeared, in the light of the document in question, that Blacks had to deal with discrimination based on culture and religion. He therefore requested the Government to provide statistics on unemployment rates according to the ethnic origin of the population and on the school drop-out rate among Black children.

8. Mr. RATTRAY said that he would like to know how trade unions operated in free trade areas, particularly in the textile industry. Were collective bargaining agreements in force? Had there been any strikes?

9. Referring to paragraph 29 of the report, which stated that more women than men went on to higher studies and the percentage of women in business had increased, he said that he would like further information, including statistics on the percentage of women holding high-level posts in the private sector.

10. Mrs. JIMENEZ BUTRAGUEÑO requested clarification on the information contained in the document by International Women's Rights Action Watch stating that women were forced into prostitution. She also wished to know the status of Dominican women in civil law, family law, labour law, criminal law and trade law. How did the Penal Code punish violence by men against women?

11. Referring to the Committee's concluding observations on the Dominican Republic's preceding report, she said that she would like to know to what extent the Dominican Republic had taken account of the provisions of the Constitution relating to the right to housing. Could persons who considered that their right to housing had been violated take legal action? What was the situation with regard to the implementation of Decrees Nos. 76-94 and 155-94, under which the State had to provide as much protection as possible for Dominican families, particularly in rural areas?

12. Mr. GRISSA recalled that, in its concluding observations in December 1994, the Committee had expressed concern about the report of the Dominican Republic and that that country had subsequently submitted another report, without, however, dealing with the matters of concern to the Committee. The Dominican Republic should take account of those concerns in its next report.

13. Mr. ALVAREZ VITA said that, like Mrs. Jimenez Butragueño, he would like clarification on the information contained in the document submitted to the Committee by International Women's Rights Action Watch and, in particular, on the legal framework for "common law marriage". He also requested the Government to authorize members of the Committee to visit the country to observe the housing situation on the spot. He recalled that the previous Government had refused.

14. Mr. AHMED requested the representative of the Dominican Republic to inform her Government that the Committee was concerned about the fact that it had not considered it necessary to authorize her to reply officially to the Committee's questions and had not requested the Committee to postpone the consideration of the report. The report was, moreover, too theoretical.

15. The economic situation of the Dominican Republic was alarming: 60 to 65 per cent of the population lived below the poverty line and the unemployment rate in towns was higher than 30 per cent. Dominicans emigrated in large numbers and the Dominican Republic was far too dependent on assistance from the United States and other countries, as well as on sexual tourism, with all the health risks that it involved.

16. According to non-governmental sources, there was no legal machinery in the Dominican Republic for filing complaints against law officers who acted arbitrarily. It appeared that the courts did not consider that the international instruments ratified by the Dominican Republic formed part of internal law and that, in any event, they were not well acquainted with those instruments, the Covenant in particular. Moreover, the universities did not offer any human rights teaching.

17. Blacks and women were subjected to various types of discrimination, even for obtaining an identity card, and thus encountered all kinds of problems, especially with regard to employment. The situation of women left much to be desired. Five per cent of sugar cane cutters were women, who were paid half as much as men. Women were not among the beneficiaries of public housing or agrarian reform programmes.

18. Conditions of detention in prisons were inhumane. Prisoners had to provide their own food on weekends and some waited months and even a year to be tried. In some cases, women and children were put in prison to replace a suspected relative when that person had evaded the law.

19. In 1995, there had been no trade unions in one enterprise out of four. Trade unions were also prohibited in free trade areas. Only two trade unions had been able to sign collective bargaining agreements. Enterprises often fired pregnant women just before they gave birth so as not to pay them maternity benefits. At present, public funding for education was half of that usually allocated in other Latin American countries.

20. The report did not specify whether common law marriages (60 per cent of couples) were legally valid. What rights did the woman enjoy when her husband abandoned her?

21. He requested the Government to provide explanations on those points and stressed that the Committee would not be satisfied simply with a presentation of the Constitution and laws in force which would give an idyllic and wrong impression of the true situation.

22. Mrs. JIMENEZ BUTRAGUEÑO drew the attention of the representative of the Dominican Republic to the report of the International Labour Organization tranmitted by the Secretary-General in document E/1996/98 and, in particular, to the paragraphs on the problems encountered in the exercise of trade union

rights and the description of the brutality to which Haitian workers had been subjected. She would like that information to be taken into account in the replies of the Dominican Government.

23. Mr. CEAUSU recommended that Mr. Adekuoye and the Secretariat official who assisted him should take account, in the Committee's concluding observations on the report of the Dominican Republic, not only of the concerns expressed by the members of the Committee, which were based primarily on NGO reports, but also of the report of the International Labour Organization, which went into rather lengthy detail on the Dominican Republic and provided very specific information.

24. The CHAIRMAN said that, like Mr. Ahmed, Mr. Alvárez Vita and Mrs. Jiménez Butragueño, he regretted that the lack of cooperation by the Dominican Government placed the Committee in a difficult position. He emphasized that, by the end of the session, the Committee should receive a reply to the many requests it had made to be able to visit the Dominican Republic. He also stressed that, if the Committee wanted account to be taken of its conclusions, it must not give up when faced with such an attitude. He therefore urged all members who had information on the Dominican Republic to make it available to Mr. Adekuoye.

25. Mrs. BONETTI HERRERA (Dominican Republic) said that she would immediately send her Government all the questions and comments made by the members of the Committee so that it would reply satisfactorily.

26. The CHAIRMAN said that the Committee had completed the first part of the consideration of the second periodic report of the Dominican Republic.

27. Mrs. Bonetti Herrera (Dominican Republic) withdrew.

SUBSTANTIVE ISSUES ARISING IN THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 3)

28. Mrs. BONOAN-DANDAN, reporting on the aspects of the Committee's mission to Hong Kong that could be discussed in public, said that she wanted to acknowledge publicly the efforts the Government had made to facilitate the Committee's assessment of the situation. The mission, which had taken place from 30 September to 7 October, had met with representatives of the ministries of housing, health and social welfare, culture and sports, education, manpower and security. It had also been informed of the work of the Equal Opportunities Commission and had met with the Governor in person and with the President of the Court. It had spoken freely with representatives of several NGOs and with those of three political parties, namely, the Democratic Party, the Liberal Party and the Democratic Alliance for the Improvement of Hong Kong. It had visited homes for children and the elderly and had seen various types of dwellings, including cage homes.

29. Mrs. JIMENEZ BUTRAGUEÑO requested that the mission report should be referred to in the Committee's report.

30. Mrs. BONOAN-DANDAN said that, in view of the attitude of the Hong Kong Government, which had invited the Committee to visit that British colony and had been fully cooperative, it would not be courteous to refer to the visit in the report. The negative aspects of the situation in Hong Kong would be dealt with in a closed meeting and the Committee would give its point of view in that regard in its concluding observations.

31. The CHAIRMAN said that the Commission on Human Rights was intending to request a working group to consider document E/CN.4/Sub.2/1995/10, which contained basic policy guidelines on structural adjustment programmes and economic, social and cultural rights. He thought that the Committee should also request a small group of experts to consider that document and see how the Committee might respond to it.

32. After an exchange of views in which Mrs. JIMENEZ BUTRAGUEÑO, Mr. GRISSA, Mr. CEAUSU, Mr. AHMED, and Mr. MARCHAN ROMERO took part, the CHAIRMAN said that the group would be composed of Mr. Ceausu, Mr. Grissa and Mr. Marchan Romero.

33. Mr. Ceausu took the Chair.

34. Mr. TEXIER said that he had taken part in the United Nations Conference on Human Settlements (Habitat II), which had been held in Istanbul, Turkey, from 3 to 14 June 1996. The Conference had been extremely interesting, but very divided up among assemblies and forums and he had not been able to attend all the meetings held. That type of world event gave rise to problems not only as a result of differences between meeting places, but also because of the choice of host country. Turkey, where the police had been very much in evidence and, in some cases, over-active, had perhaps not been the best choice.

35. He had, however, been able to take part in a round table on the right to housing together with the High Commissioner for Human Rights. He had also taken part in a hearing organized by NGOs, including Habitat, during which he had, for example, heard testimony on mass expulsions and had realized that such expulsions could take place anywhere in the world, both in the United States, as in Atlanta during the Olympic Games, and in Africa, Asia and Latin America. That meeting had been attended by such eminent persons as Mr. Sachar, Special Rapporteur of the Commission on Human Rights on the promotion of the realization of the right to decent housing, and they had been able to state their views. He had also attended other meetings organized by NGOs, as well as some official meetings, at which the drafting of the text of the Declaration had gone on interminably because of the very large number of participants.

36. He regretted that he had not been able to attend the World Assembly of Cities because the participants had been politicians, mayors and representatives of regional bodies and the discussions had related to very specific issues.

37. The Istanbul Declaration once again proclaimed the right to housing as a human right, despite opposition by the United States and, for some time, by Japan. It started by recalling "the universal goals of ensuring adequate

shelter for all and making human settlements safer, healthier and more liveable, equitable, sustainable and productive". Its deliberations had been based on the Charter and on recognition that the situation of human settlements and shelter, between which it made a distinction, continued to deteriorate in developing and in developed countries alike. It took account of the text the Committee had transmitted as a contribution and reflected its concerns, since the priorities of the Global Plan of Action included the problem of homeless people and action to combat poverty and exclusion.

38. The Declaration also stressed the need for global action, while recognizing the specific problems of certain countries and even certain regions and, in that connection, it highlighted the responsibility not only of States, but also of various decentralized bodies, such as mayors' offices and regional authorities.

39. It also stressed the need to strengthen cooperation with developing countries and countries in transition, to improve the urban habitat, to provide rural areas with adequate infrastructure, to eliminate poverty and discrimination, to defend fundamental rights and freedoms and to meet basic education, nutritional, health and housing needs.

40. Paragraph 8 of the Declaration was rather close to some parts of the Committee's General Comment No. 4, since the participating States affirmed that they would seek the active participation of their public, private and non-governmental partners at all levels to ensure legal security of tenure, protection from discrimination and equal access to affordable, adequate housing for all persons.

41. In conclusion, he said that the results of the Conference had been very positive. He would, however, have liked to be invited to speak as the representative of the Committee during official meetings.

42. Mrs. JIMENEZ BUTRAGUEÑO, reporting on the activities of the Committee on the Elimination of Discrimination against Women, drew attention to the Note by the Secretary-General entitled "Results of the fifteenth session of the Committee on the Elimination of Discrimination against Women" (E/CN.6/1996/CRP.1), which indicated that the Committee had decided to amend its guidelines regarding the form and content of reports of States parties in the light of the Beijing Declaration and Platform for Action. In order to contribute, in cooperation with United Nations bodies, to the implementation of the recommendations made in the Platform, the Committee would take decisions on the following: cultural traditions and stereotypes, with UNESCO; poverty and structural adjustment programme, with UNDP, UNIFEM, the World Bank and IMF; violence, with WHO; health, with WHO and UNFPA; employment and migration, with the ILO; power and decision-making, with UNESCO and the Commission on the Status of Women; elderly women, with the programme on the elderly and disabled; education, training and mass media, with UNESCO, the ILO and the Department of Public Information; rural women, with FAO and IFAD; and refugee women, with UNHCR.

43. The Committee had also requested the secretariat to provide it with information on the many reservations formulated by States parties to some articles of the Convention.

44. She could make available the draft report of the open-ended working group to draft an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

45. She had requested Mrs. Bustelo, a member of the Committee on the Elimination of Racial Discrimination, to provide her with information on the States parties whose reports the Committee on Economic, Social and Cultural Rights would consider at the current session.

46. Mrs. BONOAN-DANDAN, reporting on the recent activities of the Committee on the Rights of the Child, said that, at the invitation of the Director-General of the ILO, representatives of the Committee on the Rights of the Child had taken part in an informal tripartite meeting on the prevention and elimination of child labour.

47. At the request of UNICEF, that Committee was also continuing to prepare a handbook on measures for the implementation of the Convention on the Rights of the Child.

48. During a meeting it had held with representatives of the Centre for Human Rights and UNICEF, the Committee on the Rights of the Child had been informed that the data bank on the rights of the child would soon be available. The Committee on Economic, Social and Cultural Rights had also considered the possibility of setting up a data bank on the rights with which it dealt.

49. At its thirtieth session, the Committee on the Rights of the Child had organized a discussion on the child and the media in which representatives of the specialized agencies concerned and various journalists had taken part. It had been stressed that children had to be protected against the pernicious influence of some programmes and that the media had to respect the integrity and dignity of the child, particularly with regard to violence and sexual crimes. That discussion was of particular interest to the Committee on Economic, Social and Cultural Rights because article 10 of the Covenant related to measures to protect and assist families and children.

50. At a joint Committee on the Rights of the Child/Interpol meeting, Interpol had recalled that it had been involved in the preparations for the World Congress against Commercial Sexual Exploitation of Children which had been held in Stockholm in August 1996 and had stated that it wanted to be involved in the drafting of the optional protocol to the Convention on the Rights of the Child, which would enable the Committee to consider communications from individuals who considered that their rights had been violated.

51. At its most recent session, the Committee had considered the report of the United Kingdom and had expressed the view that, after the territory of Hong Kong had been returned to China, which was a party to the Convention, the Hong Kong Special Administrative Region would have to submit reports.

52. Mr. KOUZNETSOV, reporting on the work of the Human Rights Committee, said that that Committee's general observations were of great importance for the Committee on Economic, Social and Cultural Rights.

53. The Human Rights Committee had said that it was prepared to reduce its operating costs, provided that the quality of its work did not suffer. It had, for example, decided to devote three meetings to the consideration of initial reports and only two to the consideration of later reports. The oral questions asked by the members of the Committee during the consideration of reports should not be different from the questions already put to the State party in writing. The Committee had also decided to ensure that States parties were given enough advance notice to be able to send a delegation during the consideration of their reports. The report submitted by States parties must, if necessary, also relate to periods for which no report had been prepared. In the event of gross violations of human rights, the Committee could ask the State party concerned whether it agreed that representatives of the Committee should go on mission to the country to observe the situation. The Committee had set up working groups which would be responsible for considering the comments of States parties on the Committee's concluding observations and suggesting measures it might take in that regard.

54. In conclusion, he said that the Committee on Economic, Social and Cultural Rights might draw inspiration from the initiatives adopted by the Human Rights Committee.

The public part of the meeting rose at 5.20 p.m.